

APPENDIX A

45. Justina and U.V. have lost the monetary support Ulises provided, and Justina had to pay for the funeral expenses.

46. Ulise's minor son U.V. has made a Federal Tort Claim through Brooke Pearce his next friend, for \$25,000,000.00, due to the lost of his last parent's companionship and support.

47. Ulise's minor son's claim was rejected on November 15, 2019.

48. Justina Garcia has made a claim under the Federal Tort Claims Act which the Federal Bureau of Investigation has received April 4, 2019 as admitted by the Defendant United States.

CLAIMS

COUNT ONE: BIVENS ACTION AGAINST FBI AGENT DOE

49. Plaintiffs adopt and incorporate by reference each and every factual allegation in the preceding paragraphs as though fully set forth herein.

50. The Supreme Court has recognized that monetary damage claims can be brought under the Fourth Amendment for illegal search and seizure in a line of cases starting with *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U. S. 388 (1971).

51. Plaintiffs bring a claim against FBI Agent Doe for illegal search and seizure under the Fourth Amendment, and as a negligence claim in the event facts show the acts were a result of the agent's negligence, gross negligence, or recklessness.